

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NOVARTIS PHARMA AG,

Plaintiff,

v.

INCYTE CORPORATION,

Defendant.

MEMORANDUM ENDORSED

Case No. 1:20-cv-00400-GHW-GWG

Hon. Gregory H. Woods

Hon. Gabriel W. Gorenstein

**DEFENDANT INCYTE CORPORATION'S
MOTION FOR REDACTION OF ELECTRONIC TRANSCRIPT**

As noticed in Defendant Incyte Corporation's ("Incyte") Notice of Intent to Request Redaction (ECF No. 313) and pursuant to Hon. Gorenstein's December 9, 2022 Ruling and the parties' Protective Order (ECF No. 29), Incyte respectfully moves to redact portions of the official transcript of the telephone conference proceeding held on December 9, 2022 containing discussion of material that is subject to the work product doctrine. In particular, Incyte seeks to redact portions of the transcript concerning analyses of royalties for Jakafi® which were created at the direction of counsel. The proposed redacted version of the December 9, 2022 transcript is submitted as **Exhibit A** to this motion.

Under these circumstances, it is appropriate to make these modest narrowly tailored redactions to the electronic hearing transcript. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 125 (2d Cir. 2006).

Therefore, Incyte moves to redact the following portions of the hearing transcript:

1. Page 36, line 20, from the words "that" to "analysis";
2. Page 39, lines 6 through 8, from the words "the" to "March";
3. Page 39, lines 11 through 12, from the words "it" to "document";
4. Pages 40 through 42, lines 14 through 3;
5. Page 42, lines 10 through 12;
6. Page 42, lines 16 through 18, from the words "in" to "were";
7. Pages 42 through 43, lines 21 through 20;
8. Page 43, lines 22 through 25, from the words "the" to "protected";
9. Pages 44 through 45, lines 21 through 5, from the words "And" to "for"; and,

10. Page 47, lines 4 through 6, from the words “To” to “then”.

Accordingly, Incyte respectfully requests that the Court grant this motion to redact.

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-and-

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Date: January 12, 2023

The proposed redactions cover far too much ground in that they do not actually reveal the substance of any purported work product. The one exception is the sentence beginning “It does . . .” on page 43, line 11. Accordingly, on or before January 24, 2023, the defendant shall file the transcript on the public docket with this redaction.

So Ordered.



GABRIEL W. KORENSTEIN
United States Magistrate Judge

January 17, 2023